

**ORDINANCE NO. 20090402-045**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY COMMONLY KNOWN AS THE OERTLI PLANNED UNIT DEVELOPMENT LOCATED AT 12422 AND 12424 DESSAU ROAD AND 1200 EAST PARMER LANE, FROM DEVELOPMENT RESERVE (DR) DISTRICT AND SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from development reserve (DR) district and single family residence standard lot (SF-2) district to planned unit development (PUD) district on the property described in Zoning Case No. C814-2008-0146, on file at the Neighborhood Planning and Zoning Department, as follows:

A 94.535 acre tract of land, more or less, out of the Memucan Hunt Survey No. 88, Abstract No. 397, and the Samuel Cushing Survey No. 70, Abstract No. 164, Travis County, the tracts of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 12422 and 12424 Dessau Road and 1200 East Parmer Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** This ordinance, together with the attached Exhibits A through C, are the land use plan for the Oertli planned unit development district (the "PUD") created by this ordinance. The PUD shall conform to the limitations and conditions set forth in this ordinance and in the Oertli planned unit development land use plan (the "Land Use Plan"). If this ordinance and the attached exhibits conflict, the ordinance applies. Except as otherwise specifically provided by this ordinance, all other rules, regulations and ordinances of the City effective as of the date of this ordinance, apply to the PUD.

In accordance with Part 3 of Ordinance No. 20080618-098, the PUD is subject to the standards in effect on June 18, 2008.

**PART 3.** The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

Exhibit A:	Description of Property
Exhibit B:	Zoning Map
Exhibit C:	Land Use Plan

**PART 4.** In accordance with Chapter 25-2, Article 2, Division 5, Subpart B, (*Planned Unit Developments*) of the City Code, the following regulations apply to the PUD instead of otherwise applicable City regulations.

- A. Except as otherwise provided in this ordinance and Land Use Plan, the PUD is subject to community commercial (GR) uses and site development regulations.
- B. A property developed with a residential use shown in Section C of this Part shall comply with the multifamily residence low density (MF-2) site development regulations.

- C. The following uses are additional permitted uses of the Property:

Condominium residential	Multifamily residential
Townhouse residential	Convalescent services
Construction sales & services	Custom manufacturing
Electronic prototype assembly	Electronic testing
Light manufacturing	Limited warehousing &
Retirement housing (large)	distribution

- D. The following uses are prohibited uses of the Property:

Automotive repair services	Automotive rentals
Automotive sales	Automotive washing (of any type)
Bail bond services	Commercial off-street parking
Drop-off recycling collection facility	Exterminating services
Funeral services	Hotel-motel
Indoor entertainment	Off-site accessory parking
Outdoor entertainment	Outdoor sports & recreation
Pawn shop services	Plant nursery
Theater	Club or lodge
College & university facilities	Community recreation (private)
Community recreation (public)	Cultural services

Counseling services  
Hospital services (general)  
Public primary educational facilities  
Private secondary educational facilities  
Public secondary educational facilities

Group home, Class II  
Guidance services  
Private primary educational facilities  
Residential treatment

E. Buffers and setbacks.

1. A 50-foot wide vegetative buffer shall be provided and maintained along the north property line adjacent to the single family residential development known as Harris Ridge Subdivision ("Harris Ridge"). Improvements permitted within the buffer zone are limited to drainage, underground or surface utility improvements, tree plantings, landscaping, irrigation, pedestrian and bicycle trails, water quality improvements, or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
2. A minimum 100-foot wide building setback shall be established from a property developed with a construction sales and services use, a limited warehousing and distribution use, or a custom manufacturing use, and the north property line adjacent to Harris Ridge.
3. A minimum 200-foot use setback shall be established from a property developed with a light manufacturing use and the north property line adjacent to Harris Ridge. Except as provided in Subsection 2, a building, or a portion of a building, containing any other permitted use may be located within 200 feet.
4. The 100-foot and 200-foot setback areas shall be measured from the building identified in Subsection 2 or uses identified in Subsection 3, to the north property line adjacent to Harris Ridge.

F. A loading dock associated with the uses identified in Section C of this Part, may not face the north property line.

G. Section F does not apply if a building or structure is located between a loading dock and the north property line and screens it from view from the adjacent single family residential zoned properties.

- H. Except as set for in Section I of this Part, Subchapter E (*Design Standards and Mixed Use*) of Chapter 25-2 applies to development within the PUD.
- I. If a property is developed with a residential or an industrial use, then Subchapter E 2.2.5 B.1, C.1 and C.2, and D.1 (*Internal Circulation Routes: Sidewalk and Building Placement*) does not apply.
- J. An Internal Circulation Route for the PUD shall connect Parmer Lane and Dessau Road and shall be constructed in phases as the land adjoining each phase is developed. It shall contain five-foot wide sidewalks and bike lanes.
- K. Parkland Dedication
  - 1) Prior to the issuance of a certificate of occupancy for the first building in the PUD, approximately 6.0 acres of parkland shall be dedicated. The parkland shall be located within the area depicted on Exhibit C (*Land Use Plan*).
  - 2) The dedication of parkland shall satisfy all parkland dedication and fee requirements and open space requirements for development within the PUD.
  - 3) All development rights within the parkland area may be used for development within the PUD. For purposes of site plan approvals, the area dedicated as parkland shall be included in the site calculations. The joinder of the City of Austin in any site plan application is not required notwithstanding the inclusion of the parkland area within the site plan. Twenty percent or 1.2 acres of impervious cover out of the 6.0 acres shall be allocated for improvements or development of the public parkland.
  - 4) The dedication instruments for the parkland transaction will contain temporary construction easements and permanent easements for underground utilities, as reasonably necessary to develop the adjoining tracts.
  - 5) The parkland area shall not be used, and no improvements shall be constructed for sports fields and sports courts, including but not limited to, tennis courts and basketball courts.

- 6) No pole mounted lights shall be erected on the parkland area, excluding low wattage trail lights, so long as such low wattage trail lights are hooded, diffused, or otherwise designed and arranged to minimize glare and light trespass onto adjacent properties and public streets.
- 7) The Parks and Recreation Department of the City of Austin shall provide the owner of the property with copies of plans for improvements to the parkland at least thirty days prior to construction of any improvements. Further, subject to the Parks and Recreation Department's approval, which shall not be unreasonably withheld, conditioned, or delayed, the owner shall be permitted to provide additional improvements to the parkland area, at its cost.
- L. At the time of first site plan for development in either Area 3 or Area 4, a wet pond shall be provided as mitigation for wetland features as set forth under Section 25-8-282 (*Wetland Protection*) and as depicted on Exhibit C. A wet pond system shall comply with the requirements of Section 1.3.0(B)(1)(f)(5) of the Environmental Criteria Manual.
- M. All residential and commercial development shall comply with Austin Energy Green Building Program (GBP) for a minimum two-star rating. Certification from the GBP shall be met as specified by the version of the rating system current at the time of design.
- N. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this ordinance.
- O. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Alliance Transportation Group, Inc., dated January 2009, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation

Review Section of the Watershed Protection and Development Review Department, dated March 18, 2009. The TIA shall be kept on file at the Watershed Protection and Development Review Department.

- P. Development of the PUD shall comply with the criteria for the City's Art in Public Places Program as set forth in Chapter 25-2, Article 2, Division 5, Subpart B, Section 2.4 (*Tier Two Requirements*).
- Q. Gated roadways are prohibited in the PUD.

**PART 5.** This ordinance takes effect on April 13, 2009.

**PASSED AND APPROVED**

\_\_\_\_\_, April 2, 2009      §  
   §  
   § \_\_\_\_\_  
   Will Wynn  
   Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
                         David Allan Smith                   Shirley A. Gentry  
                         City Attorney                                   City Clerk

95.535 ACRES  
PARMER-DESSAU  
OERTLI TRACTS

FN. NO. 08-352 (MJJ)  
JUNE 17, 2008  
BPI JOB NO. 1896-01

*EXHIBIT A*

DESCRIPTION

OF A 95.535 ACRE TRACT OF LAND OUT OF THE MEMUCAN HUNT SURVEY NO. 88, ABSTRACT NO. 397 AND THE SAMUEL CUSHING SURVEY NO. 70, ABSTRACT NO. 164, BEING THE REMAINDER OF THAT CERTAIN 68.11 ACRE TRACT OF LAND, THE REMAINDER OF THAT CERTAIN 46.263 ACRE TRACT OF LAND AND THE REMAINDER OF THAT CERTAIN 0.99 ACRE TRACT OF LAND ALL HAVING BEEN CONVEYED IN PERCENTAGES TO JOY LYN OFFIELD, BRENDA LEE OERTLI, ROBIN ELAINE OERTLI HEINE, OERTLI FAMILY PARTNERSHIP, LP AND LINDA OERTLI BY DEEDS OF RECORD IN DOCUMENT NOS. 2006150273, 2006150274, 2006150275, 2007227778, 2007227779 AND 2008002100 ALL OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 95.535 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a chiseled "X" found in the curving westerly right-of-way line of Dessau Road (R.O.W. width varies) at Roadway Station 252+29.40, 60' Lt. "B" for the southeasterly corner hereof, same being in the southerly line of the remaining portion of said 68.11 acre tract and the northerly line of that certain 12.03 acre tract of land conveyed to Pflugerville Independent School District by deed of record in Volume 7100, Page 1873 of said Deed Records, from which a 1/2 inch iron rod found in the westerly right-of-way line of Dessau Road at Roadway Station 245+70.00 60' Lt. "B" bears along a curve to the left an arc distance of 654.59, a radius of 7579.44 feet, a central angle of 4°56'54" and a chord of S21°41'30"W, a distance of 654.38 feet;

**THENCE**, N62°03'32"W, leaving the westerly right-of-way line of Dessau Road, along a portion of the southerly line of the remaining portion of said 68.11 acre tract, being along the northerly line of the remaining portion of said 12.03 acre tract, the northerly line of that certain 9.00 acre tract of land conveyed to Pflugerville Independent School District by deed of record in Volume 7643, Page 918 of said Deed Records, the northerly line of that certain 9.00 acre tract of land conveyed to Pflugerville Independent School District by deed of record in Volume 7936, Page 951 of said Deed Records, the northerly line of that certain 11.54 acre tract of land conveyed to Pflugerville Independent School District by deed of record in Volume 11825, Page 1680 of the Real Property Records of Travis County, Texas and a portion of the northerly line of that certain 4.46 acre tract of land called "Tract Five" conveyed to Copperfield IV Venture by deed of record in Volume 12034, Page 3040 of said Real Property Records, for the southerly line hereof, a distance of 1924.60 feet to a concrete monument with punch hole found in the easterly line of the remaining portion of said 46.263 tract of land;

**THENCE**, S27°46'56"W, along the easterly line of the remaining portion of said 46.263 acre tract, being a portion of the northerly line of the remaining portion of said 4.46 acre tract, for a portion of the southerly line hereof, a distance of 10.14 feet to a 1/2 inch iron rod found for the southeasterly corner of the remaining portion of said 46.263 acre tract;

**THENCE**, N62°21'04"W, along a portion of the northerly line of said 4.46 acre tract, being a part of the southerly line of the remaining portion of said 46.263 acre tract, for a portion of the the southerly line hereof, a distance of 177.70 feet to a 1/2 inch iron rod with cap set in the easterly right-of-way line of Parmer Lane, being the southwesterly corner of said 46.263 acre tract and hereof, from which a 1/2 inch iron rod found at Highway Station 95+22.67 100.00' Lt. bears, S13°46'23"E, a distance of 13.42 feet;

**THENCE**, N13°46'30"W, along the easterly right-of-way line of Parmer Lane, being the southwesterly line of the remaining portion of said 46.263 acre tract, for the southwesterly line hereof, passing at a distance of 809.14 feet a TXDOT brass disc found at Highway Station 87+00.00 100.00' Lt. and continuing for a total distance of 1688.51 feet to a 1/2 inch iron rod found at Highway Station 78+20.41, 100' Lt., for an angle point in the westerly line hereof, being in the westerly line of the remaining portion of said 46.263 acre tract and the easterly line of that certain 188.82 acre tract of land called "Tract Four" conveyed to Copperfield IV Venture by deed of record in Volume 12034, Page 3040 of the Real Property Records of Travis County, Texas, from which a 1/2 inch iron rod found in the northerly line of said 188.82 acre tract and the easterly right-of-way line of Parmer Lane at Highway Station 74+34.81 100' Lt. bears, N13°46'30"W, a distance of 385.69 feet;

**THENCE**, N27°38'36"E, along a portion of the easterly line of said 188.82 acre tract, being a portion of the westerly line of the remaining portion of said 46.263 acre tract, for the westerly line hereof, a distance of 287.03 feet to a 1/2 inch iron rod with cap found for the northwesterly corner of said 46.263 acre tract and hereof, same being the northeasterly corner of said 188.82 acre tract and an angle point in the southerly line of Lot 1, Block "D", Harris Ridge Phase 3, Section 3, a subdivision in Travis County, Texas of record in Volume 102, Pages 184-187 of the Plat Records of Travis County, Texas, from which a 1/2 inch iron rod found in the easterly right-of-way line of Parmer Lane at Highway Station 74+34.81, 100' Lt. bears, N61°51'45"W, a distance of 255.16 feet;

**THENCE**, S62°05'46"E, along a portion of the southerly line of said Lot 1, the southerly line of Harris Ridge Phase 3, Section 1-A a subdivision in Travis County, Texas of record in Volume 99, Pages 22-23 of said Plat Records, and a portion of the southerly line of Harris Ridge Phase 3, Section 2, a subdivision in Travis County, Texas of record in Volume 99, Pages 162-163 of said Plat Records, for the northerly line of said 46.263 acre tract and a portion of the northerly line hereof, a distance of 1298.50 feet to a broken concrete monument found for the northeasterly corner of the remaining portion of said 46.263 acre tract, being the northwesterly corner of the remaining portion of said 68.11 acre tract of land, being an angle point in the southerly line of Lot 9, Block E of said Harris Ridge Phase 3, Section 2, for an angle point hereof;



**THENCE**, S61°46'46"E, along the southerly lines of Lots 9-16, Block E of said Harris Ridge Phase 3, Section 2, being a portion of the northerly line of the remaining portion of said 68.11 acre tract for a portion of the northerly line hereof, a distance of 372.22 feet to a 1/2 inch iron rod found for an angle point hereof, being the common southerly corner of Lot 16, Block E of said Harris Ridge Phase 3, Section 2 and Lot 11, Block B of Harris Ridge Phase 4, Section A-1, a subdivision in Travis County, Texas of record in Volume 97, Pages 177-179 of said Plat Records;

**THENCE**, S62°08'38"E, along the southerly line of said Harris Ridge Phase 4, Section A-1, being a portion of the northerly line of the remaining portion of said 68.11 acre tract, for a portion of the northerly line hereof, a distance of 1469.69 feet to a point in the westerly right-of-way line of Dessau Road at Roadway Station 267+63.72, 60' Lt. "B", for the northwesterly corner hereof, being the southeasterly corner of Lot 3, Block A of said Harris Ridge Phase 4, Section A-1, from which a 1/2 inch iron rod found for reference under a rock fence column bears, S62°08'38"E, a distance of 0.33 feet;

**THENCE**, along the westerly right-of-way line of Dessau Road, being the easterly lines of the remaining portion of said 68.11 acre tract of land and said 0.99 acre tract of land, for the easterly line hereof, the following six (6) courses and distances:

- 1) S27°09'10"W, a distance of 805.82 feet to a calculated point at Roadway Station 259+58.44, 60' Lt. "B", being the northeasterly corner of the remaining portion of said 0.99 acre tract of land, for an angle point hereof, from which a 1/2 inch iron rod found for reference bears S69°34'02"E, a distance of 0.48 feet;
- 2) S27°09'10"W, a distance of 135.05 feet to a at a 1/2 inch iron rod found for the point of curvature of a curve to the left, Roadway PT Station 258+23.09 60' Lt. "B", from which a 1/2 inch iron rod found in the easterly right-of-way line of Dessau Road, being the westerly line of that certain 126.941 acre tract of land conveyed to Sun Secured Financing Houston Limited Partnership by deed of record in Document No. 2002102961 of the Official Public Records of Travis County, Texas, at Roadway PT Station 258+23.09 60' Rt. "B", bears, S62°55'01"E, a distance of 120.12 feet;
- 3) Along said curve to the left having a radius of 1969.86 feet, a central angle of 00°17'52", an arc length of 10.23 feet, and a chord which bears S26°55'11"W, a distance of 10.23 feet to the southeasterly corner of the remaining portion of said 0.99 acre tract of land at Roadway Station 258+13.39, 60' Lt. "B", from which a 1/2 inch iron rod found for reference bears, S69°34'02"E, a distance of 0.39 feet;

- 4) Continuing along said curve to the left having a radius of 1969.86 feet, a central angle of  $7^{\circ}44'49''$ , an arc length of 266.35 feet and a chord which bears  $S22^{\circ}53'50''W$ , a distance of 266.15 feet to a cut "X" set in concrete for the end of said curve at Roadway Station 255+54.93, 60' Lt. "B";
- 5)  $S19^{\circ}01'11''W$ , a distance of 312.30 feet to a  $\frac{1}{2}$  inch iron rod with cap set for the point of curvature of a curve to the right at Highway Station 252+42.63 60' Lt. "B";
- 6) Along said curve to the right having a radius of 7579.44 feet, a central angle of  $0^{\circ}05'56''$ , and arc length of 13.07 feet and a chord which bears  $S19^{\circ}10'05''W$ , a distance of 13.07 feet to the **POINT OF BEGINNING**, containing an area of 95.535 acres (4,161,515 sq. ft.) of land, more or less, within these metes and bounds.

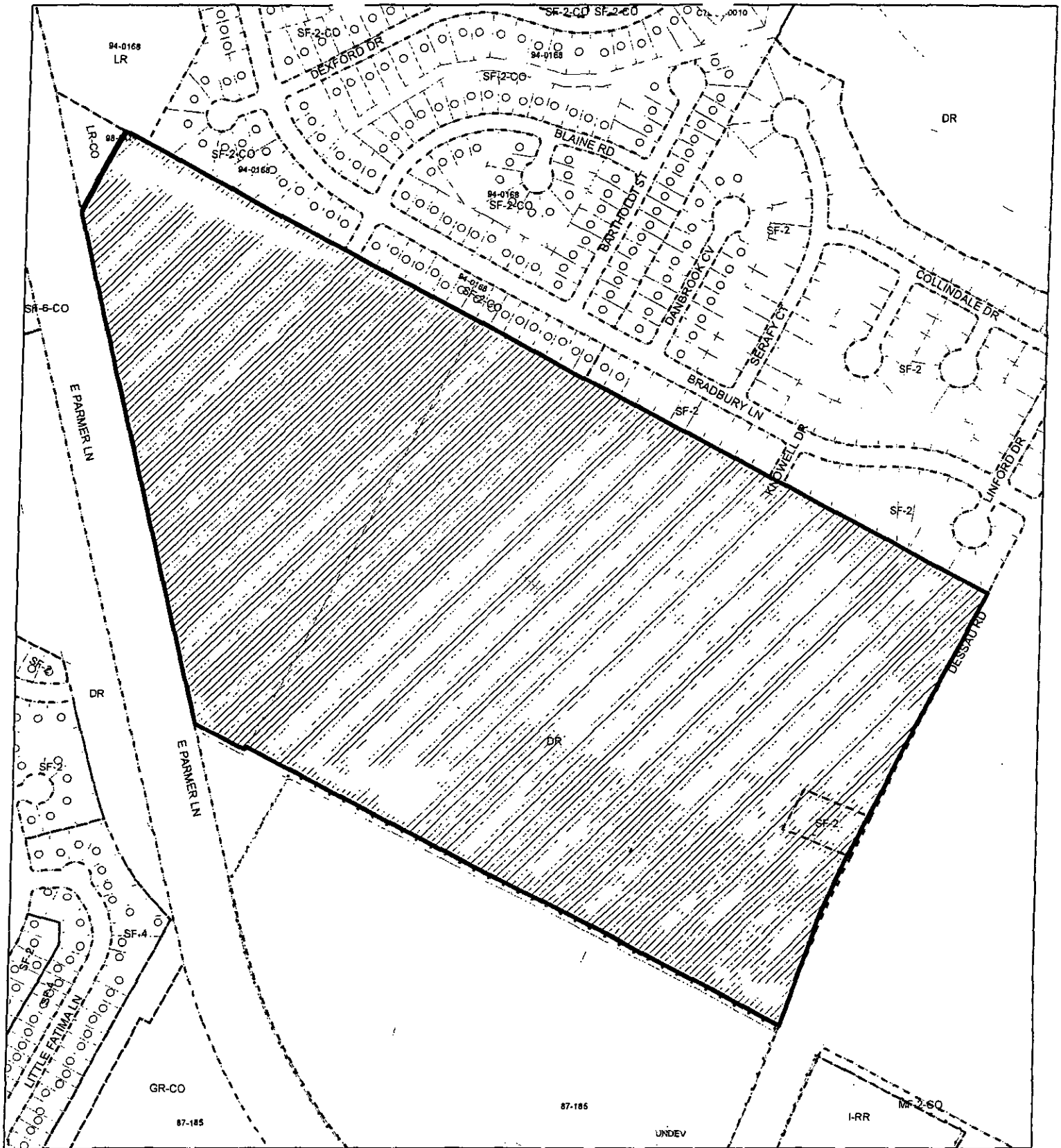
**BEARING BASIS:** THE BEARING BASIS FOR THIS SURVEY IS TEXAS CENTRAL ZONE NAD 83/HARN 93. MONUMENTS USED ARE CITY OF AUSTIN MONUMENTS, AS FOUND MARKED AS FOLLOWS: N-33-3001 AND N-33-2001; AND LCRA MONUMENTS FOUND MARKED AS FOLLOWS: EUD214, PKA1, PKA2, AND WC02.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY+PARTNERS, INC.  
ENGINEERS-SURVEYORS  
221 WEST SIXTH STREET  
SUITE 600  
AUSTIN, TEXAS 78701




*Mark J. Jezisek* 6/17/08  
MARK J. JEZISEK, R.P.L.S.  
NO. 5267  
STATE OF TEXAS





### ZONING EXHIBIT B

ZONING CASE#: C814-2008-0146  
 ADDRESS: 12422 & 12424 DESSAU RD &  
 1200 E PARMER LANE  
 SUBJECT AREA: 95.535 ACRES  
 GRID: N32-33 & P33  
 MANAGER: S. SIRWAITIS

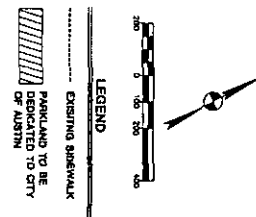
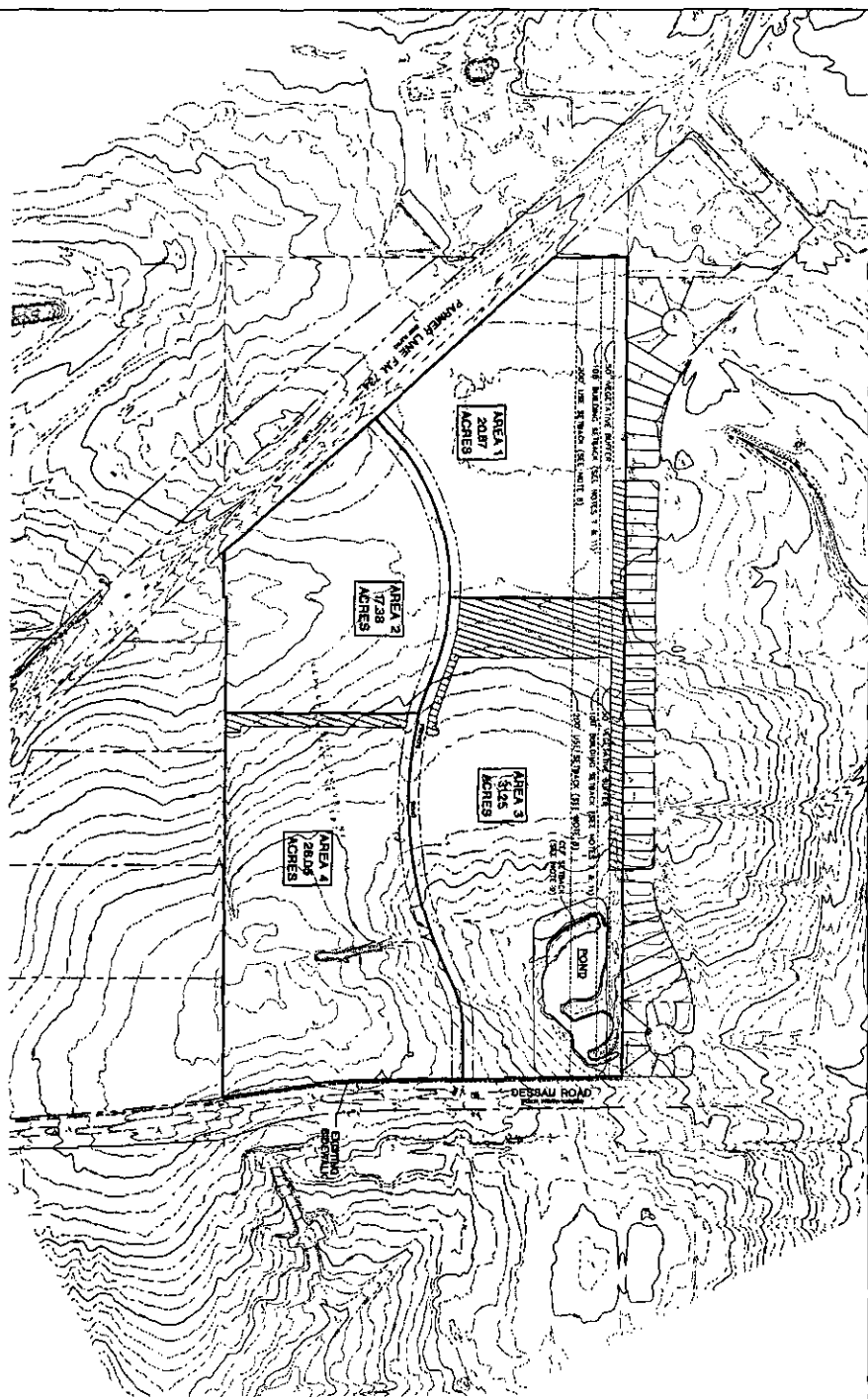
 SUBJECT TRACT  
 ZONING BOUNDARY  
 PENDING CASE  
 OPERATOR: S. MEEKS



1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.  
 No warranty is made by the City of Austin regarding specific accuracy or completeness.

0:\Projects\0107\0107.dwg, Plot Date: 11/14/2007, User: jld, Plot Scale: 1"=100', Plot Size: 11.00 x 17.00, Plot Area: 187.00, Plot Title: PUD LAND USE PLAN, Plot Path: 0:\Projects\0107\0107.dwg, Plot Date: 11/14/2007, User: jld, Plot Scale: 1"=100', Plot Size: 11.00 x 17.00, Plot Area: 187.00, Plot Title: PUD LAND USE PLAN, Plot Path: 0:\Projects\0107\0107.dwg



SHEET 1 2	PLOTTING SCALE: 1" = 100'
	DATE PLOTTED: 03/26/08
	FILE: 01070107.dwg
	DRAWN BY: LUC
	DESIGNED BY: RJA
	REVIEWED BY: RJA
	PROJECT NO.: 1070-01.07

OERTLI TRACT  
PARMER LANE & DESSAU ROAD  
AUSTIN FAIRCHILD MANAGEMENT

PUD LAND USE PLAN  
*EXHIBIT C*

**Bury+Partners**  
ENGINEERING SOLUTIONS  
221 West Sixth Street, Suite 800  
Austin, Texas 78701  
Tel: (512) 476-0000 Fax: (512) 476-0001  
Bury+Partners, Inc. © Copyright 2008

